

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SHELBY WAYNE FIFE, #1039740 §
VS. § CIVIL ACTION NO. 6:11cv205
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

Petitioner Shelby Wayne Fife, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-entitled and numbered petition for a writ of habeas corpus regarding the revocation of his parole and subsequent denial of credit for street time. The petition was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Third Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed as time-barred. The Petitioner has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Director's motion to dismiss (docket entry #23) is **GRANTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DISMISSED** with prejudice as time-barred. It is further

ORDERED that a certificate of appealability is **DENIED**. It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 31st day of October, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE